

PATENT APPLICATION IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTN: **Refund Section
Accounting Div.
Office of Finance**

Masateru NAKAMURA

Application No.: 10/566,607

Docket No.: 126868

Filed: July 21, 2006

For: **METHOD OF PRODUCTION OF SILICON CARBIDE SINGLE CRYSTAL**

REQUEST FOR REFUND TO DEPOSIT ACCOUNT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a copy of a Refund Request Denial (dated January 30, 2007). The denial claims that fees were due because the Declaration was filed on July 21, 2006, after the 30 month priority deadline of May 25, 2006. However, Applicant encloses a Decision granting this application a filing date of January 31, 2006, based on the finding that the evidence is sufficient to establish that the Declaration for this application was received in the U.S. Patent and Trademark Office on January 31, 2006.

Accordingly, it is respectfully requested that this charge be credited to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

James E. Golladay, II
Registration No. 58,182

JAO:JEG/emt

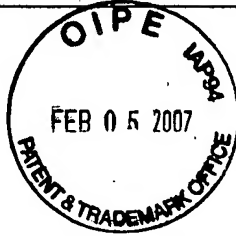
Date: February 5, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>



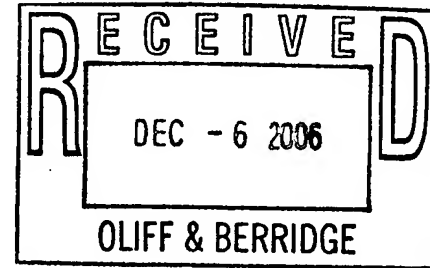
UNITED STATES PATENT AND TRADEMARK OFFICE



05 DEC 2006

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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James A. Oliff
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Alexandria, VA 22320



In re Application of
NAKAMURA
Application No.: 10/566,607
PCT No.: PCT/JP04/17652
Int. Filing Date: 19 November 2004
Priority Date: 25 November 2003
Atty Docket No.: 126868
For: METHOD OF PRODUCTION OF SILICON
CARBIDE SINGLE CRYSTAL

DECISION ON PETITION
UNDER 37 CFR 1.181

This is a decision on applicant's petition under 37 CFR 1.181 filed 29 September 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 31 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a first preliminary amendment; an application data sheet and an executed declaration of the inventor.

On 19 June 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper response.

On 21 July 2006, applicant filed a response including a copy of the executed declaration along with a postcard receipt indicating that the declaration had been filed with the initial filing on 31 January 2006.

On 06 September 2006, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 21 July 2006.

On 29 September 2006, applicant filed the present petition claiming that the 371 requirements were satisfied on 31 January 2006 and requesting a new Form PCT/DO/EO/903.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE IAP13 PATENT & TRADEMARK OFFICE JAN 31 2006" and lists as one of the filed items "dec" as well as listing the title, applicant and attorney docket number. The postcard has not been annotated in any way to indicate that the declaration was not received. The evidence is sufficient to establish that the declaration for this application was received in the USPTO on 31 January 2006.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The application has an international filing date of 19 November 2004 under 35 U.S.C. 363 and will be given a date of **31 January 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 06 September 2006 is hereby VACATED.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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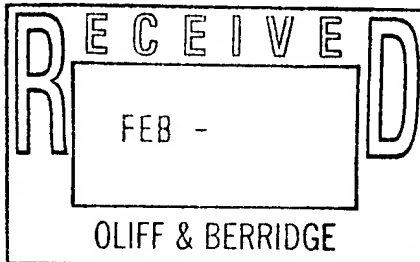
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 30, 2007

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320
US



Dear Sir/Madam,

Your refund request for 10566607 in the amount of \$130.00 has been denied .

Declaration should have been filed by 5/25/06 it wasn't filed until 7/21/06. Fees were due.

Sincerely,

Rita White
RITA WHITE
PCT - National
703 308-9140 x231